



## PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

David A. BEYER et al.

Art Unit: 2666

Application No.: 09/248,738

Examiner: Kevin C. Harper

Filed: February 10, 1999

Attorney Dkt. No.: 59864.00106

For: ADAPTIVE COMMUNICATION PROTOCOL FOR WIRELESS ROUTING

### PRE-APPEAL BRIEF REQUEST FOR REVIEW

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

March 14, 2006

Sir:

Applicants respectfully request a review of the final rejections set forth in the final Office Action dated October 14, 2005, and as further maintained in the Advisory Action of February 27, 2006, finally rejecting claims 1, 4, 9, and 10. Claims 6, 11, 12, 16-19, 21, 23-47, 49-52, and 55-60 have been allowed and Applicants wish to thank the Examiner for the allowance of these claims. However, Applicants respectfully submit that a prima facie case for anticipation has not been established with respect to claims 1, 4, 9, and 10. Further, Applicants submit that there is clear error with regard to at least one element of claim 1, upon which claims 4, 9, and 10 are dependent.

The final Office Action rejected claims 1, 4, 9, and 10 under 35 U.S.C. §102(e) as being anticipated by Baker (U.S. Patent No. 6,292,494). Applicants respectfully submit that there is clear error in that Baker fails to disclose or suggest all of the elements of the presently pending claims.

Applicants respectfully submit that the present claims recite subject matter which is neither disclosed nor suggested by Baker, and that, therefore, the final rejections are improper and without basis. Specifically, Applicants respectfully submit that Baker does not disclose or suggest that the network node enters synchronization mode and joins the computer network after receiving a response packet, as recited in present claim 1. Baker only discloses that a station must enter a synchronization (SYNC) state **before** the station attempts to establish contact with other stations (Baker, Column 7, lines 27-29). According to the present claims, the node enters synchronization mode after receiving a response packet and it is ready to join the network. While according to Baker, on the other hand, once a station has located and joined the network, it enters the idle state (Baker, Column 7, lines 57-58).

The Office Action seems to take the position that the idle state of Baker corresponds to the synchronization mode of the present invention (Office Action, page 2, lines 6-7). Applicants respectfully disagree. During the idle state of Baker, the node will remain idle, as suggested by the name, and wait for another event to occur. Baker specifically discloses “the station will remain in the idle state until either a TIME OUT or

error is detected, at which time it will enter the SYNC state. Otherwise, it will enter the Data Transfer State if a data transfer request is received” (Baker, Column 7, lines 57-63).

In contrast, according to the present invention, nodes which are in synchronization mode participate in a scheme to maintain synchronization in the network. Such maintenance may be needed to compensate for different “drift” rates for each node’s timer (Specification, page 20, lines 19-21). To allow for synchronization, each node prepends certain packets with a NetSync Info header (Specification, page 20, lines 22-23). When a network node receives a packet with a NetSync Info header, it adjusts the packet’s Network Time for packet transmission, propagation, and processing delays, and then compares the resultant Adjusted Network Time in the packet with its own Network Time (Specification, page 21, lines 1-4). Thus, Baker does not disclose or suggest that the network node enters synchronization mode and joins the computer network after receiving a response packet. Furthermore, for at least the reasons discussed above, the idle state of Baker cannot possibly be considered to correspond to the synchronization mode of the present invention.

Accordingly, Applicants respectfully submit that Baker fails to disclose or suggest all of the elements of claim 1. Therefore, Applicants respectfully request that the rejection of claim 1 be withdrawn.

Applicants note that claims 4, 9 and 10 are dependent upon claim 1. Therefore, claims 4, 9, and 10 should also be allowed for at least their dependence upon claim 1, and for the specific limitations recited therein.

For at least the reasons discussed above, Applicants respectfully assert that there is clear error in that the Office Action has failed to establish a prima facie rejection for anticipation, as the cited reference of Baker does not disclose or suggest all of the elements of the presently pending claims. It is therefore respectfully requested that all of claims 1, 4, 6, 9-12, 16-19, 21, 23-47, 49-52, and 55-60 be allowed, and this application passed to issue.

In the event that any additional fees are due with respect to the filing of this paper, Applicants request that any deficiency be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,



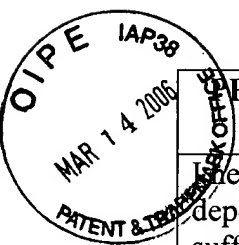
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Enclosures: Notice of Appeal  
PTO/SB/33  
Petition for Extension of Time (2 months)



<b>PRE-APPEAL BRIEF REQUEST FOR REVIEW</b>		Docket Number (Optional) 59864.00106
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]		Application Number: 09/248,738
on _____		Filed: February 10, 1999
Signature _____		First Named Inventor: David A. BEYER
Typed or printed Name _____		Art Unit: 2666
		Examiner: Kevin C. Harper

**Mail Stop AF**  
Commissioner for Patents  
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Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a Notice of Appeal.

The review is requested for the reason(s) stated on the attached sheet(s).


Note: No more than five (5) pages may be provided.

I am the

- ☐ Applicant/Inventor.  
☐ assignee of record of the entire interest.  
See 37 CFR 3.71. Statement under  
37 CFR 3.73(b) is enclosed

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March 14, 2006  
\_\_\_\_\_  
Date

NOTE: Signatures of all of the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☐ \*Total of \_\_\_\_\_ forms are submitted.